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05 JUN 29 PM 3: 56

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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

✓

Counsel for Defendant STUART

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

70262

UNITED STATES OF AMERICA,

Plaintiff,

v.

TIFFANY STUART, et al.,

Defendants.

No. CR-05-70462 MAG

STIPULATION AND [PROPOSED]
ORDER WAIVING DEFENDANT'S
APPEARANCE AT STATUS
CONFERENCE ON JUNE 30, 2005

On May 24, 2005, defendant Tiffany Stuart made her initial appearance in this district on a complaint charging her with immigration fraud, in violation of 18 U.S.C. § 1546(a). She was released on an unsecured bond and ordered to appear for preliminary hearing or arraignment on June 30, 2005.

Ms. Stuart lives in Los Angeles, where she is the full-time caretaker for an elderly person who cannot move around on his own. In order to appear for court in this district, Ms. Stuart must arrange for transportation and accommodations in San Francisco as well as for the care of her client while she is away from Los Angeles.

Federal Rule of Criminal Procedure 43(b) provides that a defendant need not be present when "[t]he proceeding involves only a conference or hearing on a question of law." Fed. R.

1 Crim. P. 43(b)(3). The parties anticipate that the appearance on June 30, 2005 will be limited to
2 the setting of future dates in the matter.

3 Accordingly, the parties agree and stipulate that Ms. Stuart's personal appearance at the
4 status conference on June 30, 2005 should be excused. Counsel for Ms. Stuart will appear on her
5 behalf.

6
7 Dated: 6/28/05

BARRY J. PORTMAN
Federal Public Defender


JOSH COHEN
Assistant Federal Public Defender

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11 Dated: 6/28/05

KEVIN V. RYAN
United States Attorney


MONICA FERNANDEZ
Assistant United States Attorney

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13 Accordingly, and for good cause shown, it is hereby ORDERED that defendant Tiffany
14 Stuart shall be excused from personally appearing at the status conference in this matter on June
15 30, 2005.

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17 Dated: 6/29/05


NANDOR VADAS
UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

The undersigned hereby certifies under penalty of perjury that the following true copy of the **Stip and Order Waiving Defendant's Appearance at Status Conference on June 30, 2005**, concerning the case of **United States v. Tiffany Stuart, et al.** CR 05-70462 MAG was filed dated June 29, 2005 and hand delivered to:

United States Attorney
450 Golden Gate Ave, 11th Floor
San Francisco, CA,
Assistant United States Attorney

June 29, 2005


MICHAEL TARKINGTON